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Wednesday, June 15, 2016

Differences on Buyouts, Other Issues Await Decisions

The Senate has joined the House in passing its own version (S-2943) of the annual DoD authorization bill, although the two differ in several important ways that will have to be resolved in an upcoming conference. Continue reading at <http://www.fedweek.com/fedweek/differences-buyouts-issues-await-decisions/>

DoD Restates Desire for Civilian Policy Changes

Separately, DoD Secretary Ashton Carter has reiterated the Pentagon's desire for changes in civilian personnel policies, including "direct hire" authority to make a tentative offer of employment to college students at events such as job fairs, rather than having to steer interested students to the USAJobs site. He also called for broadening the existing: career development programs for civilian employees; authorities to directly hire highly qualified experts; talent exchange programs between the department and the private sector; and the scholarship for service program that pays college costs in fields such as cybersecurity with a virtually guaranteed job, along with a service commitment, on graduation. He also advocated paid parental leave for federal employees, without specifying how many weeks; the Obama administration several times has formally requested allowing six weeks of paid time but Congress has not acted on it. Carter's remarks came in a speech focusing mainly on planned changes in military personnel policy.

Most Employees Rated Highly, GAO Finds

Three-fifths of federal employees are rated as exceeding fully successful or outstanding, GAO has said in a review of 2013 performance evaluations, adding that the exact numbers vary according to how many ratings levels apply to them. A report said that among employees below the executive level, 71 percent are rated under a five-level system, 13 percent under a two-level system (pass-fail) and the reminder under three- or four-level systems. Many agencies use differing numbers in their various components, it added. In five-level systems, 35.1 percent were rated as exceeding fully successful and 38.6 percent as outstanding; in a four-level system (where there is no "minimally successful" level) the figures were 35.7 and 52.3 percent. In three-level systems, 33.7 percent are rated as outstanding and 66.1 percent as fully

successful, and in two-level systems 99.9 percent were deemed as passing. That 0.1 percent level of unacceptable performance was virtually the same regardless of the number of ratings levels, GAO found.

Ratings Vary by Grade, Occupational Field

The report, done for a Senate committee, also showed differences by occupation and grade level, which to an extent are linked. The highest ratings overall were for professional employees, who tend to be at higher grade levels, with just 34.4 percent rated only fully successful or below; for administrative employees, that was 38.2 percent; for technical employees 38.7 percent; for clerical 40.1 percent; for blue-collar employees 45.4 percent; and for miscellaneous white-collar employees, 69.4 percent. Meanwhile, the percentage rated only fully successful or below was just 21.7 percent for those in grades GS 13-15; 32 percent for 9-12; and 38.8 percent for grades 1-8. GAO did not state an opinion regarding whether the ratings overall are too high, too low or right, although it did stress that to be effective, ratings must make “meaningful distinctions” between levels of performance, and that agencies must “appropriately reward those who perform at the highest level, and, when necessary, address poor performance. Such distinctions also help employees better understand their relative contributions to organizational success, areas where they are doing well, and areas where improvements are needed,” it said. Lack of a meaningful link between pay and performance is one of the major complaints that federal employees express about their workplace in the annual viewpoint survey.

Raise by Default Continues to Advance

The House Appropriations Committee has approved the general government spending bill for the upcoming fiscal year that by silence regarding a January raise would pave the way for one to be paid by default, almost certainly 1.6 percent. More at <http://www.fedweek.com/fedweek/raise-default-continues-advance/>

Expert's View: Enrollment Options When an FEHB Plan or Option Ends

A recent OPM rule gives FEHB enrollees an opportunity to enroll in a new plan or option outside of open season if a current plan or option is leaving mid-year—and spells out what happens if they make no election—writes benefits expert Reg Jones. You'll find his column at <http://www.fedweek.com/news/reg-jones-experts-view/>

OPM Summarizes Compressed, Flexible Work Schedules

OPM recently sent out guidance on use of compressed and flexible work schedules. While the guidance was presented in the context of encouraging more use of such alternate work schedules in the Washington, D.C. area due to commuting disruptions because of a rail transit maintenance project, the policies in general apply government-wide. For a closer look, go to <http://www.fedweek.com/reports>.

Law Officer Weapons Carrying Bill Advances

The Senate has passed a measure (HR-2137) previously passed by the House to allow certain federal law enforcement officers the same rights to carry a government-issued firearm during a furlough as they had before such furlough was in effect. The bill is a reaction to several agencies that forbid certain officers from carrying firearms or their credentials during the 2013 partial government shutdown. Sponsors argue that those restrictions put the officers at risk and made them unable to respond to an incident or threat.

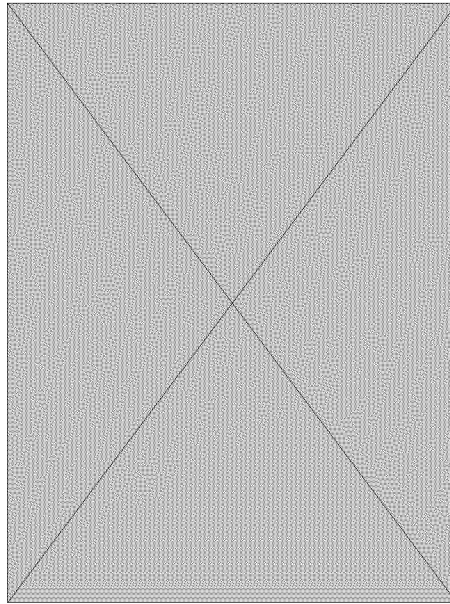
Court Rules on Employee Duty to Follow Orders

Federal employees have a right to refuse to follow orders from management that would require them to break a law, but that same protection does not apply if the order would require them to break only a rule, a federal appeals court has held. The case involved an employee who was relieved of duties as a contracting officer representative after refusing to follow an order to tell a contractor to rehire a terminated subcontractor. The employee believed that would have caused him to violate the Federal Acquisition Regulation by improperly interfering with personnel decisions of the contractor and requiring it to operate in conflict with the terms of the contract. On appeal, he cited a “right to disobey” provision of whistleblower law that protects employees from retaliation “for refusing to obey an order that would require the individual to violate a law.” A hearing officer, the MSPB and now the Court of Appeals for the

Federal Circuit held that that protection applies only to orders that would require violating a law, and not a regulation such as the FAR. The court cited a 2015 Supreme Court holding that while employees do not enjoy whistleblower protections if they violate a law in making disclosures—such as by releasing classified information—those protections do apply if the employee violates only an agency rule. In both situations the whistleblower statute specifically refers to violations of laws, the appeals court said, and if Congress had meant to apply the policies to regulations as well, it could have done so—but didn't.

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- How to Compute Your Retirement Benefits
- CSRS Components and Potential Reductions in Annuity
- Cost of Living Adjustments (COLAs)
- Social Security Benefits
- Thrift Savings Plan
- FEHB, Federal Dental & Vision Program
- Medicare, Life Insurance, Long-Term Care Insurance
- Buyouts, Workers' Compensation
- Retirement Misenrollments, Common Errors and Self Identification Test
- How to Plan for Your Retirement
- The Application Process
- Taxes in Retirement: Federal and State Taxes
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- Early Retirement: Early-Out, Will You and Should You Take the Offer?
- Leaving Before Retirement Eligibility: All Your Options
- Going Back to Work for the Government
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